IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 2472 OF 2006

I.C. Colony Happy Homes Chs. Ltd... Petitioners
and anr.

V/s.

Mumbai Municipal Corp. & Ors. ... Respondents

Mr. V.Y. Sanglikar for the petitioner.
Ms. Preeti Purandare for respondent - BMC.

CORAM : F.I. REBELLO &
ANOOP V. MOHTA,JJ.

DATED : 28th November, 2006

P.C.

. Rule. Heard forthwith.

2. It is the case of the petitioners that the respondents have refused to grant permission for construction on the play ground, which is the subject matter of the present petition and/or grant TDR of the same. Insofar as TDR is concerned, before any such decision is taken, the petitioner should be heard. Insofar as change of user is concerned, if either in terms of DP plan, or in any terms of development plan, it is reserved as play ground or R.D. area, then respondent not to grant any protection to convert the same for any other purpose considering the judgment of

this Court in **Down Mangor Valley, Goa V/s. Mormugoa Municipal Council, Goa (2002(2) Mh.L.J. Page 590).**

3. Rule made absolute accordingly. No order as to costs.

[F.I. REBELLO, J.]

[ANOOP V. MOHTA, J.]